

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LINDA SCURTU and
CORNELIA GROZAV

Plaintiffs

v.

1:07-cv-00410-WS-B

INTERNATIONAL STUDENT
EXCHANGE, et al.,

Defendants.

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DEFENDANTS' MOTION TO DISMISS COMPLAINT
AS TO DEFENDANTS, HOSPITALITY AND CATERING
MANAGEMENT SERVICES AND WENDCO OF ALABAMA, INC.,
OR, IN THE ALTERNATIVE, TO STAY THE CASE
AND COMPEL ARBITRATION

Defendants, Wendco of Alabama, Inc. ("Wendco") (erroneously identified by plaintiffs as "Wendco Corp.") and Hospitality and Catering Management Services, Inc. ("HCMS"), by and through their undersigned attorneys, hereby move to dismiss the complaint as to Wendco and HCMS or, in the alternative, to stay the case and refer to arbitration all claims against Wendco and HCMS.

As shown in *Defendants' Brief In Support Of Motion To Dismiss Complaint As To Defendants, Hospitality And Catering Management Services And Wendco Of Alabama, Inc., Or, In The Alternative, To Stay The Case And Compel Arbitration*, filed contemporaneously herewith, all of the claims in the complaint asserted by the plaintiffs against HCMS and Wendco fall within the scope of mandatory, binding arbitration agreements signed by the plaintiffs and the defendants, HCMS and Wendco. Accordingly, under the Federal Arbitration Act, the Court should grant the requested

motion and issue an order dismissing the allegations in the complaint as to defendants Wendco and HCMS or, in the alternative, staying the case and referring all claims against Wendco and HCMS to arbitration.

Respectfully submitted,

/s/ **Thomas F. Gonzalez**

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Management Services

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CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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